

**City Council Building
Chattanooga, Tennessee
August 8, 2000**

The meeting of the Chattanooga Council was called to order by Chairman Hakeem with Councilmen Eaves, Hurley, Lively, Pierce and Rutherford present; Councilman Crockett was out of the City on business; Councilmen Franklin and Taylor were absent due to personal commitment. City Attorney Randall Nelson, Management Analyst Randy Burns, and Council Clerk Carol O'Neal, CMC, were also present.

**PLEDGE OF ALLEGIANCE AND
INVOCATION**

Following the Pledge of Allegiance, City Attorney Nelson gave the invocation.

MINUTE APPROVAL

On motion of Councilman Lively, seconded by Councilwoman Rutherford, the minutes of the previous meeting were approved as published and signed in open meeting.

CLOSE AND ABANDON

2000-008: City of Chattanooga

On motion of Councilman Lively, seconded by Councilman Pierce,

**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF A
SEWER EASEMENT LOCATED IN THE WILLIAMSBURG ESTATES
SUBDIVISION, MORE PARTICULARLY DESCRIBED HEREIN AND AS
SHOWN ON PLAT ATTACHED HERETO AND MADE A PART
HEREOF BY REFERENCE**

passed second reading. On motion of Councilman Eaves, seconded by Councilwoman Rutherford, the Ordinance passed third and final reading and was signed in open meeting.

CLOSE AND ABANDON

2000-062: City of Chattanooga

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,

AN ORDINANCE CLOSING AND ABANDONING AN ALLEY BEGINNING FIFTY-SIX FEET (56') NORTH OF WEST 17TH STREET BETWEEN COWART STREET AND WILLIAMS STREET, AND EXTENDING ONE HUNDRED FOUR FEET (104') FURTHER NORTH, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO RETENTION OF AN EXISTING SEWER EASEMENT

passed second reading. On motion of Councilman Lively, seconded by Councilwoman Rutherford, the Ordinance passed third and final reading and was signed in open meeting.

CLOSE AND ABANDON

2000-139: Provident Life & Accident Insurance Company

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,

AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY LOCATED BEHIND 515 LINDSAY STREET, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO A CERTAIN CONDITION

passed second reading. On motion of Councilman Lively, seconded by Councilman Pierce, the Ordinance passed third and final reading and was signed in open meeting.

REZONING

Councilmen Pierce and Rutherford made the motion to move Ordinance 6(c) forward on the agenda; the motion passed.

2000-108: Steven Reese

Pursuant to notice of public hearing, the request of Steven Reese to rezone tracts of land located at 5925, 5927 and 5929 Winding Lane came on the be heard.

The applicant was present; there was no opposition in attendance.

REZONING (Continued)

Councilwoman Hurley made the motion to defer the matter one week since Councilman Crockett was not present, indicating that he had strong views about the request and that it would be better to defer the matter until next week; **Councilman Lively seconded the motion. The motion failed on a vote of 4-2 with Councilmen Rutherford and Eaves voting “no”.**

Mr. Pace stated that this request is located in the Hixson area; that to the south is the large area the Council rezoned a couple weeks ago for the WalMart Center, with M-3 zoning to the west and north, R-1 to the east and south and 153 running north and south of the parcel. He stated the trees behind this house are a buffer screen between the residential property and the storage buildings; that the M-3 area with the storage facility is to the west. He stated this is a very narrow residential road and once past the screening area for warehousing it was felt by the Planning Commission and Staff that approval of this request would generate similar requests in the area. He stated the request is not in keeping with the developmental character of the area even though storage and warehousing is to the west; that the recommendation from Planning and Staff is for denial.

Councilman Eaves stated that someone drove him through the requested area where it is his understanding that somewhere close to there is a road leading into the C-2 area. Mr. Pace stated that that is correct; that the road is east of the requested area; that there is a mobile home and to the east of that is where the C-2 entrance would be to the WalMart Center.

Councilwoman Rutherford asked if the entrance would be beside this request? Mr. Pace responded “not directly beside”.

Councilman Eaves asked if WalMart traffic would be coming out on Winding Lane? Mr. Pace responded “yes”; that this was discussed at the Planning Commission meeting where it was indicated WalMart would put a barrier there so that trucks and other large vehicles cannot enter and exit; that the recommendation was made at the Planning hearing that this request be denied.

Councilwoman Rutherford stated that she wanted to make sure she understood that this property would actually be surrounded by manufacturing and the top of it by WalMart; that to the side will be the entrance into WalMart? She stated this would create an island that will be made of just R-1. Mr. Pace responded, “yes”; that it would be like an island.

Councilman Lively stated he looked at this, also; that he has difficulty approving C-2 on the backside of businesses, but can certainly understand why someone would not want to live there. He stated he could support O-1; that in his opinion an office would be a buffer into the residential area. He asked if O-1 has been considered? Mr. Pace responded “no”; that they did not consider the O-1 as part of the request; that he does not believe that was discussed.

REZONING (Continued)

Mr. Pace stated beyond the storage buildings there is residential usage from there on through Winding Lane; that it is a very narrow road with small but modest homes along that stretch of road.

Councilwoman Hurley stated she was at the Planning Commission and heard the presentation; that there is a strongly held view by doing the WalMart they did not want to set the “building block pattern” with this piece of property for the next piece and move all through the R-1 that is around two or three sides of the property in question, which is the reason that the Planning Commission and Staff voted to deny. She stated that the Council heard the presentation from the WalMart people that they were going to do more landscaping and buffering than we have experienced in any large development of that size in this community, which is the reason she had hoped the Council would postpone the matter until Councilman Crockett could be present and a full Council. She stated it is not so much an issue of this land, but an issue of the next step and the next step and the next step.

John Anderson, of Grant Konvalinka and Harrison, was present representing the applicant. He stated much of what he intended to say has been discussed; that the R-1 and two R-5 tracts are an island along Winding Lane, which is bounded by M-3 on the west and the rezoned WalMart Center with access in the C-2 zone. He stated the island of residential over time is going to have a tremendous use and ability for effective use. He stated he is of the opinion this request does not create the “domino effect” to which Councilwoman Hurley alluded to; that it simply brings it online with property on the other side. He requested that the property be rezoned.

At this point Councilmen Eaves and Rutherford made the motion and second to approve the request; the motion failed on a 41-1 vote with Councilwoman Hurley voting “no” and Councilman Lively abstaining.

Councilman Pierce made reference to the O-1 zoning Councilman Lively alluded to previously. He asked if the property could be rezoned O-1 without going back to the Planning Commission?

Mr. Pace stated that he did not believe that could be done; that in looking back through the Planning Commission minutes the O-1 zone was not discussed. He stated City Attorney Nelson could give a ruling on the recommended change rather than having it go back to Planning; that it is his thinking that there cannot be a zoning change unless it had been discussed at the Planning Commission meeting.

City Attorney Nelson stated that Mr. Pace is correct; that in any case where the Planning Commission has made a recommendation it would make a difference; that unless they actually discussed it specifically it should not come before the Council. He stated the matter could be referred back to Planning for discussion.

REZONING (Continued)

Chairman Hakeem asked the applicant's representative if referring the matter back to Planning would be acceptable? Atty. Anderson stated that the applicant does not have an interest in O-1 as it would not be marketable and does not fit in with what the applicant has in mind. He made the request to carry the matter over to the next week's Council meeting.

Councilwoman Rutherford inquired as to the deadline to refer to Planning for the next session.

Chairman Hakeem stated if the matter is brought before the Council next week and it is not approved for C-2 but suggested to be referred back to Planning, what is the time element for it to go before Planning at its next regularly scheduled meeting?

Mr. Pace stated that the matter could go back as old business and come up in September; that the normal deadline is the tenth of each month. He stated if the Council is sending it back it could be heard as old business.

Chairman Hakeem stated that the Council does not want to overlook what the applicant has requested; that his question was just for clarification. He indicated that the matter will be on next week's agenda.

On motion of Councilman Eaves, seconded by Councilwoman Rutherford

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 5925, 5927 AND 5929 WINDING LANE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND R-5 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE

for approval failed on a 4-1-1 vote with Councilwoman Hurley voting "no" and Councilman Lively abstaining. Chairman Hakeem indicated that due to failure of the vote to approve, the matter would be on next week's agenda for consideration by the Council.

CLOSE AND ABANDON

2000-050: Anchor Trust, Inc.

The applicant was present; there was no opposition.

CLOSE AND ABANDON (Continued)

Councilwoman Rutherford stated this matter was discussed in Public Works Committee and approval is recommended.

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,

AN ORDINANCE CLOSING AND ABANDONING A SEVENTY (70) FOOT LENGTH OF JOHN DOUGLASS DRIVE FROM THE DEAD END AND MOVING THE CUL-DE-SAC SEVENTY (70) FEET TOWARDS CHAPMAN ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON PLAT ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO A CERTAIN CONDITION

passed first reading.

REZONING

2000-063: Edward Jay Harshman

The applicant was not present; there was no opposition.

Mr. Pace stated that an attempt was made to contact the applicant by telephone, however his telephone has been disconnected. He stated a letter was sent to his address but no response has been received. He stated he is not sure what the situation is with this request.

Councilman Pierce stated that he had previously made the motion to deny and the motion was not upheld by the Council. He stated the applicant was to have been present two weeks ago and a delay was requested in an effort to get in touch with him. He asked the City Attorney whether there was a need to discuss anything about the advertisement for this request? City Attorney Nelson responded “no”; that the matter of the advertisement can be enforced separately.

On motion of Councilman Pierce, seconded by Councilwoman Rutherford,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 534 CENTRAL AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS

was denied.

REZONING

2000-123: Danny R. Brock

Pursuant to notice of public hearing, the request of Danny R. Brock to rezone a tract of land located at 4112 Watson Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated that the applicant has requested a three-week deferral on this request. He stated at the Planning Commission meeting there was a request for the applicant to have a site plan which he does not have at this time. He stated the applicant is requesting an extension so that he can have the site plan prepared.

On motion of Councilman Eaves, seconded by Councilwoman Hurley,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT
OF LAND LOCATED AT 4112 WATSON ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL
ZONE TO RT-1 RESIDENTIAL TOWNHOUSE ZONE, SUBJECT TO
CERTAIN CONDITIONS**

was tabled three weeks (August 29).

REZONING

2000-130: Jerry Hagan

Pursuant to notice of public hearing the request of Jerry Hagan to rezone a tracts of land located at 1603 and 1605 Gunbarrel Road and 7387 Applegate Lane came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated this request is located in the East Brainerd area along Gunbarrel Road at the Applegate Subdivision. He stated the area in question is in the newly approved policy area along Gunbarrel Road; that the property to the west and south is all single family R-1, with Erlanger to the north. He stated the policy for this area calls for office and institution use; that the recommendation from both Planning and Staff is to deny the request for C-6 as commercial zones were not recommended in the plan. He stated the applicant has submitted a letter requesting R-4, which would be in keeping with the policy, and the minutes of the Planning Commission meeting reflect that the R-4 zone was discussed for this request. He stated if the Council sees fit to make the zoning change, the R-4 zone would be appropriate.

REZONING (Continued)

City Attorney Nelson stated that he reviewed the Planning Commission minutes and the R-4 zone was brought forward; that if the Council so designates the change can be made and the amended version brought back on next week.

Councilwoman Hurley asked Mr. Hagan if he has discussed the compromise with the neighborhood. Jerry Hagan, applicant, stated that he has not discussed the R-4 with the neighborhood; that as he recalls there was not a great deal of opposition from persons living in the subdivision to the C-6.

Councilman Eaves stated that he had a meeting with Mr. Hagan and the neighborhood; that while they did not have any objection to the C-6, someone seemed to think it would be a furniture store that might bring midnight sales and that sort; that they had no problem with the R-4, but they did with the C-6. At this point he made the motion to request the change to the R-4 zone as discussed at the Planning Commission meeting.

On motion of Councilman Eaves, seconded by Councilwoman Hurley,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 1603 AND 1605 GUNBARREL ROAD AND 7387 APPELEGATE LANE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND O-1 OFFICE ZONE TO R-4 SPECIAL ZONE

passed first reading.

REZONING

2000-136: Raymond Garrell

Pursuant to notice of public hearing, the request of Raymond Garrell to rezone a tract of land located at 2003 Watauga Street came on to be heard.

The applicant was present; there was no opposition.

On motion of Councilwoman Rutherford, seconded by Councilman Pierce,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 2003 WATAUGA STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO M-1 MANUFACTURING ZONE

passed first reading.

REZONING

2000-145: James Howard

Pursuant to notice of public hearing, the request of James Howard to rezone a tract of land located at 2700 Jenkins Connector Road came on to be heard.

The applicant was present; there was no opposition.

Mr. Pace stated that this request is located in the East Brainerd area near the City limit line; that the area has just been developed and the uses to the east that are in the County is rural residential or the R-2 zone for duplexes. He stated the area across the street and to the south is all zoned R-1 with the exception on RT-1 on Standifer Gap. He stated there was a recent request for R-4 at the intersection of Standifer Gap and Jenkins Road on the west side which was granted; that the Planning Commission and Staff recommend denial.

James Howard, owner of Sanders Irrigation Supply, stated that he is being forced to move due to the widening of the freeway; that he likes where he is but has to find somewhere on the east end of town so that he can keep the same telephone number and a location that is easily accessible. He stated there is a very deep buffer behind this location with several hundred mature trees; that he walked the property and tried to count the neighborhoods adjoining the property but had a difficult time seeing the houses. He stated the neighbor across the street is the proposed seller who is in favor of this sale and rezoning, and down the street is an impound yard; that the highest and best use for the property is a business such as his. He stated he would like to develop the property further with a cluster of businesses in the same green trade business; that he is in favor of the landscape ordinance and is happy to comply. He concluded his remarks by requesting approval of the rezoning.

Councilman Eaves stated that he talked with the applicant and viewed the property; that he agrees with Planning regarding denial of the M-2. He stated he would not want to deny Mr. Howard the ability to do something else with the property other than M-2; that he might want to defer or withdraw the matter so that he would not be ruled out from coming back for nine months for another zone.

Mr. Howard stated that the problem is that he does not have nine months; that the Tennessee Department of Transportation will take his property and they will not give him a date. He stated he does not know how much time he has; that he has been told it was toward the end of the year. He stated his business is not a trashy business; that his business has been classified as a contractor's yard and is the reason for the M-2 request. He stated he does not do any manufacturing and only sells parts to customers; that his business would not be a "bad thing" in this neighborhood and none of the neighbors have objected, even though he realizes that is not the same as an endorsement. He stated he does understand the "flavor" of the neighborhood being maintained.

REZONING (Continued)

Councilwoman Rutherford asked Mr. Howard if he has a picture of what his building would look like. Mr. Howard displayed a conceptual drawing of the building explaining that he will have a better drawing later; that his architect is on vacation and the drawing displayed is all he had time to prepare.

Councilwoman Rutherford expressed agreement with Councilman Eaves regarding M-2 zones, as it is also difficult zone for her to “go with”; that if she could at least see what Mr. Howard plans to put on the property that would help.

Mr. Howard stated he would be happy to agree to put split face blocks on the front; that he cannot afford to brick the building and still stay in business.

Councilwoman Rutherford stated Councilman Eaves gave the applicant good advice to either withdraw or defer.

Councilman Eaves stated that his inclination is to agree with Planning and deny the request, yet at the same time very reluctant to do so and leave the applicant with nine months of not being able to do anything else.

At this point the owner of the property indicated his preference to withdraw the request.

On motion of Councilman Eaves, seconded by Councilwoman Rutherford,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT
OF LAND LOCATED AT 2700 JENKINS CONNECTOR ROAD, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL
ZONE TO M-2 LIGHT INDUSTRIAL ZONE**

was withdrawn at the request of the property owner.

REZONING

2000-149: Paul Bolus

Pursuant to notice of public hearing, the request of Paul Bolus to rezone a tract of land located at 2510 Duncan Avenue came on to be heard.

The applicant was present; opposition was in attendance.

REZONING (Continued)

Mr. Pace stated that this property is located in the Ridgedale area and is surrounded by R-2 zoning; that the request is for R-3MD for a triplex. He stated the adopted Ridgedale Plan recommends residential for this district; that it is felt this is a spot zone and would encourage further requests. He stated both the Planning Commission and Staff recommend denial.

Paul Bolus stated that the property has been advertised as a triplex; that he is fixing and cleaning the property up for a nice place to live. He stated that he checked out the previous owners and the history of the property indicates there have been two triplexes and one duplex at this location; that each owner has been paying taxes on this property as a triplex. He stated a few years ago one triplex burned; that the triplex and duplex were torn down with one triplex remaining, which he now owns. He stated he had new carpet installed and fixed up the property, reiterating that it has been a triplex with taxes being paid as a triplex since 1948. He stated all he is asking is that the property be rezoned for the use he bought it for; that the duplex was a major loss for him.

Chairman Hakeem asked if the Planning record reflects that this property has been R-2 or R-3 for a triplex? Mr. Pace responded "R-2".

Gary Ball, an officer of the Ridgedale Community Association, stated that other property owners are in attendance with him and all are suffering from the distressed property values in the area. He stated photos of this house were sent to Councilmen Hurley, Hakeem and Rutherford; that there is only one electric meter for the house. He stated the persons renting cannot run air conditioners on the property because an ample power supply is not available; that it will burn down if an attempt to run the air conditioner is made. He stated this is no triplex by any stretch of the imagination; that it is not even a duplex; that people are stuck in here all summer long with no way to do anything but run a fan. He stated a car in the back yard has been jacked up for more than a month; that there is a "for sale" sign in the front yard and the next person will want R-4, C-2 or something else. He stated the Ridgedale residents went through a lot of trouble to do a plan and until some other plan is adopted in the area, he would prefer to stay "locked in" to the plan they have. He stated Habitat is building a new house behind this property.

Pat Rogers stated that she lives next door and it is true the property has passed hands. She read from a prepared statement and made reference to problems she has encountered with the tenants on the property. She concluded her statement by indicating that legal leases would help and set forth a statement of neighbors' rights.

REZONING (Continued)

Mr. Bolus stated when he purchased the property he spent time and money on the interior for the tenants, indicating that he has three tenants, now. He stated he does not know the person's name that served him a paper regarding his being in violation, but the person told him he could use the property as a triplex. He stated that he has leases for his tenants; that when all this came up he did not have the money to invest in renovating the outside; that his whole objective was to fix up the inside, first, and then the outside.

At this point, Councilwomen Rutherford and Hurley made the motion to deny the request; the motion passed.

Once the vote was taken, Councilwoman Rutherford asked if one of the persons has to move out since there are three families living in this property and the matter has been denied for R-3MD?

City Attorney Nelson stated he is not familiar enough with the property to know if it is a nonconforming use; that it has been said it has been continually used as a triplex since the forties; that this is certainly something the Building Inspector can look into.

Councilwoman Rutherford stated what the neighbors say is different from Mr. Bolus' comments. She asked who needs to be notified that the matter has been denied? Admin. Marcellis stated he would pass this information on to Mr. Young.

On motion of Councilwoman Rutherford, seconded by Councilwoman Hurley,

**AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED,
KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT
OF LAND LOCATED AT 2510 DUNCAN AVENUE, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL
ZONE TO R-3MD MODERATE DENSITY ZONE**

was denied.

REZONING

2000-151: John Christopher Adkins

Pursuant to notice of public hearing, the request of John Christopher Adkins to rezone a tract of land located at 3502 Wilcox Boulevard came on to be heard.

The applicant was present; there was no opposition.

REZONING (Continued)

Councilwoman Rutherford stated that Mr. Adkins would like a 60-day deferral and asked if the matter would have to be heard tonight or wait the 60 days? She indicated her preference that the matter be heard after the 60-day period.

Mr. Pace indicated that this request is located in the Eastdale neighborhood.

On motion of Councilwoman Rutherford, seconded by Councilman Lively,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 3402 WILCOX BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, FROM G5 NEIGHBORHOOD COMMERCIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE
was deferred 60 days (October 10).

REZONING

2000-156: Melissa Hefferline and Daud Mahkriv

Pursuant to notice of public hearing, the request of Melissa Hefferline and Daud Mahkriv to rezone a tract of land located in the 1400 block of Williams Street came on to be heard.

On motion of Councilman Lively, seconded by Councilwoman Hurley,

AN ORDINANCE TO AMEND ORDINANCE NO. 6958, AS AMENDED, KNOWN AS THE ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED IN THE 1400 BLOCK OF WILLIAMS STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE
passed first reading.

AMEND CHARTER OF SOUTHSIDE CORPORATION

On motion of Councilwoman Hurley, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE CHARTER OF THE SOUTHSIDE CORPORATION TO PROVIDE FOR A SEVEN (7) MEMBER BOARD OF DIRECTORS
was adopted.

AGREEMENT: VOLKERT & ASSOCIATES, INC.

On motion of Councilman Eaves, seconded by Councilwoman Rutherford,

A RESOLUTION AUTHORIZING THE EXECUTION OF AN ENGINEERING AGREEMENT WITH VOLKERT & ASSOCIATES, INC., RELATIVE TO THE HIXSON PIKE SEWER RELOCATION PROJECTS AND FOR SURVEYING, DESIGN AND CONSTRUCTION PHASE SERVICES, FOR A TOTAL FEE NOT TO EXCEED FIFTY-FOUR THOUSAND, TWO HUNDRED SIXTY DOLLARS (\$54,260.00)

was adopted.

AGREEMENT: TRUST FOR PUBLIC LAND

On motion of Councilwoman Hurley, seconded by Councilman Lively,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS & CULTURE TO ENTER INTO A CONSERVATION SERVICES AGREEMENT FOR 2000-2001 WITH THE TRUST FOR PUBLIC LAND, RELATIVE TO THE CHATTANOOGA GREENWAYS PROGRAM

was adopted.

OVERTIME

Overtime for the week ending August 4, 2000 totaled \$19,866.89.

PERSONNEL

The following personnel matters were reported for the Public Works Department:

ALAN L. GOINS – Promotion/Transfer, Crew Worker, Citywide Services, Pay Grade 3/Step 2, \$16,312.00 annually, effective August 9, 2000.

AARON D. MCCRARY – Medical Release From Duty, Crew Worker, Citywide Services, Pay Grade 3/Step 5, \$18,644.00 annually, effective June 27, 2000.

STEPHEN WRIGHT – Dismissal, Sanitation Worker Senior, Citywide Services, effective July 12, 2000.

JENNIFER R. BROCK – Employment, Permit Clerk, Codes & Inspection, Pay Grade 5/Step 1, \$17,808.00 annually, effective August 1, 2000.

PERSONNEL (Continued)

DALE HUMPHREY – Re-employment, Sanitation Worker, Citywide Services, Pay Grade 3/Step 1, \$15,535.00 annually, effective August 3, 2000.

PURCHASES

On motion of Councilman Lively, seconded by Councilwoman Rutherford, the following purchases were approved for use by the Public Works Department:

LJL TRUCK CENTER OF DALTON (Lowest and best bid)
Requisition R0048238/B0000486

Garbage Truck Chassis (2)
\$134,130.12

CHEROKEE TRUCK EQUIPMENT (Best bid)
Requisition R0048239/B0000485

Rear Load Garbage Truck Bodies (2)
\$83,316.00

BOARD APPOINTMENTS

On motion of Councilwoman Rutherford, seconded by Councilman Lively, the following Board appointments were approved:

CHATTANOOGA POLICE DEPARTMENT CITIZENS REVIEW COMMITTEE:

- Appointment of **REV. LAMAR S. MOORE** for a term ending July 31, 2003 (representing City Council District 1)

CHATTANOOGA HUMAN RIGHTS/HUMAN RELATIONS COMMISSION:

- Appointment of **REV. EDDY REACHARD** for a term ending July 1, 2003 (representing City Council District 1)

BOARD APPOINTMENTS (Continued)

COMMUNITY DEVELOPMENT ADVISORY BOARD:

- Appointment of **JANICE PULVER** for a term ending June 30, 2003 (representing City Council District 1)

CHATTANOOGA-HAMILTON COUNTY HOSPITAL AUTHORITY BOARD OF TRUSTEES:

- Appointment of **JERMAINE HARPER** for a term ending November 1, 2002 (completing the unexpired term of Dan Anderson)
- Appointment of **BRUCE E. ADAMS** for a term ending November 1, 2000 (completing the unexpired term of Mary Gardenhire)

PERSONNEL

The following personnel matters were reported for the Chattanooga Fire Department:

DAVID J. POWELL – Promotion, Lieutenant, Pay Grade F3/Step 10, \$40,451.00 annually, effective August 11, 2000

JOHN T. TAYLOR – Promotion, Lieutenant, Pay Grade F3/Step 6, \$34,872.00 annually, effective August 11, 2000.

LARRY T. ZINK – Promotion, Lieutenant, Pay Grade F3/Step 7, \$36,276.00 annually, effective August 11, 2000.

RUBEN W. SHIELDS, NORMAN E. WILLIAMS – Promotion, Captain, Pay Grade F4/Step 8, \$43,768.00 annually, effective August 11, 2000.

KENNETH M. BROWN – Disability Retirement, Firefighter, effective August 3, 2000.

TERRI WOMAC – Promotion, Administrative Coordinator, Pay Grade 10/Step 7, \$30,776.00 annually, effective August 11, 2000.

HOTEL PERMITS

On motion of Councilwoman Hurley, seconded by Councilman Lively, the following hotel permits were approved:

BLUFF VIEW INN – 411 East Second Street, Chattanooga, Tennessee

FRICKS MOTEL – 3535 Cummings Highway, Chattanooga, Tennessee

HAMILTON INN – 2717 Rossville Boulevard, Chattanooga, Tennessee

PERSONNEL

The following personnel matters were reported for the Chattanooga Police Department:

ALMA JEAN CARTER – Promotion, School Patrol Lieutenant, \$35.00 daily rate, effective July 14, 2000.

MICHAEL A. EVANS – Promotion, Accounting Technician Sr., Pay Grade 11/ Step 2, \$25,861.00 annually, effective July 28, 2000.

PATRICIA A. GRAY – Promotion, Police Records Analyst, Pay Grade 7/Step 10, \$29,922.00 annually, effective August 11, 2000.

LAURENCE HARE – Resignation, Police Officer, effective August 10, 2000.

FAYE L. PARKER – Resignation, School Patrol Officer, effective July 21, 2000.

PURCHASES

On motion of Councilman Lively, seconded by Councilwoman Hurley, the following purchases were approved for use by the Chattanooga Police Department:

G. T. DISTRIBUTORS (Lower and better bid)
Requisition R0046972/P0014722

Ammunition (Twelve months contract)

(Price information available and filed with minute material)

PURCHASES (Continued)

C & S CONSTRUCTION (Lowest and best bid)
Requisition R0047969/B0000490

Ladies Locker Room

\$59,870.00

PERSONNEL

The following personnel matters were reported for the Personnel Department:

JENNIER HENDERSON – Resignation, Part-Time Clerk, effective July 27, 2000.

RACHELLE L. CANEELY – Hire, Part-Time Clerk, \$8.48 hourly rate, effective July 31, 2000.

LUCY J. YOUNG – Hire, Part-Time Clerk, \$8.48 hourly rate, effective July 24, 2000.

JEAN P. SMITH – Lateral Transfer, Class/Comp Analyst, effective August 11, 2000.

COMMITTEES

Councilwoman Rutherford reminded Council members of the meeting of the **Public Works Committee** scheduled for **Tuesday, August 15 at 4 p.m.**

EAST BRAINERD AREA STUDY

Councilman Eaves stated that his area is entering another phase of someone “sowing sign seeds” on the east side area of Gunbarrel Road; that signs are going up everywhere! He stated he has asked Barry Bennett and Jerry Pace of the Planning Agency if they would consider providing some type of planning information for that area because it is about to get “covered up”. He stated the study that was done before was for the west side of Gunbarrel; that it has now shifted to the other side where there is a problem. He stated if the Council approves, he would like to ask that the Planning Agency give some parameters of how far they think we should go with this and present some planning ideas.

EAST BRAINERD AREA STUDY (Continued)

Mr. Pace stated that the Agency does not have a Resolution, yet; that it will be ready for next week's Council meeting. He stated Councilman Eaves has asked them to take a look at the east side of Gunbarrel, south of Shallowford as there is some pressure from that area for some large tracts of rezoning that will come before us. He stated they had been asked by the Council to look at the north side of Shallowford, which involved the old MC Properties and Phoenix applications and had a 60 day time limit which will be going before Planning next Monday for their recommendation. He stated this area in question is much larger and that he discussed with Councilman Eaves rather than doing a "strip study" similar to the one done on the west side, the study for this area should be expanded and take in a much larger "picture"; that the previous study should have been done for the entire area. He stated this study should take in the area from Gunbarrel Road to Jenkins Road on the east, East Brainerd Road on the south and Standifer Gap Road on the north; that this would take in the whole other quadrant of that section which is mostly residential in appearance. He stated there is some pressure as the (Hamilton Place) Mall, WalMart and K-Mart continue to expand; that a Resolution, along with a map showing the area in question, will be prepared for next week's Council meeting.

City Attorney Nelson asked Mr. Pace if he was aware of the boundaries the study would encompass? Mr. Pace stated that the boundaries have been generally discussed; that with this being a much larger area it will take more than 60 days to complete; that they are probably looking at six months to examine the area as closely as they can for a good recommendation.

City Attorney Nelson asked if a moratorium will be instituted; that six months is a long time to hold things in abeyance. He asked if the time frame could be shortened?

Councilman Eaves stated that the pressure is there now; that this request is not an effort to deny anybody anything; that the intent is to establish parameters for a stopping point as to how far, just as it was done in the study on the west side. He stated if the time line was extended too far it would be extremely difficult to hold anyone off who wants to request zoning.

Mr. Pace stated that the Agency is aware of a large area that will be before Planning shortly; that there is a very large area being requested which will make a huge impact in that area. He stated whatever we do should be done slowly and deliberately; that in order to make a good judgment they don't want too short a time, yet not too long, either; that he understands the Council's dilemma on this.

Chairman Hakeem stated if he understands what is being said, there is a proposal to bring a Resolution to the Council next week that incorporates the boundaries, yet it would not set a moratorium on any applications that are already being made.

EAST BRAINERD AREA STUDY (Continued)

Mr. Pace stated if we go to such a large area, he feels the Staff will really need to look at the larger area rather than a microscopic area, as it will affect the residential area and circulation of traffic; that it will have an impact on the community as a whole. He stated this will affect a lot of property for a period of time.

Councilman Eaves stated that he is now looking at “for sale” signs going very deeply out into the property as commercial; that property is being advertised as commercial all up-and-down Igou Gap Road and other streets. He asked if anyone has formally applied for something on those properties? Mr. Pace responded “not formally”.

Councilman Eaves stated that he looked for zoning signs but did not see any; that commercial “for sale” signs are everywhere!

Mr. Pace stated that the applicant-to-be is waiting on the decision from the north side of Shallowford Road regarding MC Properties to see the results of that before applying; that he would suspect they are ready to make application, indicating that Thursday is the deadline for the September Planning meeting and he does not know if they will meet that deadline or the one for October.

Councilman Eaves concluded his request by asking Mr. Pace if the Planning Agency will have a recommendation as to how far the study should go? Mr. Pace stated that would be discussed and a recommendation made.

Councilman Lively stated one solution to get a sufficient study might be to do the commercial street on Gunbarrel first and put a moratorium back in the residential areas, as people will be wanting zoning for “a mile out there” if we don’t do something.

EDWARD CHOLOTA

Edward Cholota stated he was present for his own personal information and began reading a flier from the Chattanooga Downtown Partnership detailing information regarding parking, food and beverages brought onto the “Nightfall” premises for motorcyclists. He stated that the motorcyclists are being penalized and discriminated against; that the parking area designated for them was not requested by anyone that drives a motorcycle. He stated now they (Partnership) want to charge \$2; that “Nightfall” is free and if they are charged it is not free anymore. He implied if one group is to be charged, everyone should be (charged) in some form or fashion. He stated there has been a lot of talk about this, however no one else is present to address this; that he is the only one that came forward.

CHARLES CHOLOTA (Continued)

Chairman Hakeem informed Mr. Cholota that he would pass his concern on to the appropriate entity (Downtown Partnership), and asked that he leave his telephone number with the Clerk of the Council for further contact.

CHARLES EDWARDS

Charles Edwards, a blind citizen, complained to the Council that he usually has to wait a couple hours before a taxi cab shows up at his home and indicated that sometimes there is a four-to-five hour wait. He stated at the last Taxi Board meeting the Board put a cap on the number of cabs that can function in Chattanooga; that he really thinks the Board is creating a monopoly by doing that; that the taxis are capped at how many there are now, indicating that the cabs are owned by five companies who actually own and control the number of cabs that can come in Chattanooga. He stated by putting a cap on the number of taxis the Board is stopping competition from coming into Chattanooga. He stated his recommendation is that they take the cap off; that if it is taking so long for pick an individual up there should be some type of fine on the company. He expressed his belief that the Taxi Board is bias and stated that the majority of the Board is made up of cab owners who make decisions and vote. He stated at the last Taxi Board meeting they voted on a convicted rapist -- an individual who had four theft charges and previously served a prison sentence -- to become a driver. He stated the drivers are for the public and the public is not aware of their background; that this person has been provided with a vehicle to kidnap another individual. He stated as far as the Taxi Ordinance is concerned it does not provide for the rights of the individual or customer to gain any losses from cab companies; that it only refers to the suspension of licenses for cab companies. He stated he has tried to stop them from charging meter rates; that the Ordinance states they cannot charge flat rates; that the cheapest flat rate is \$14, with an additional charge of \$2.50 for use of trunk space. He stated he has paid \$33 for a round trip and has been paying close to \$990 per month and thinks something should be done and this practice stopped.

Chairman Hakeem stated for the benefit of his colleagues, in regard to persons not receiving rides from taxi companies, the taxi companies have been penalized for that as all companies have been involved. He stated in regard to the cap Mr. Edwards spoke of, it is considered there is not enough business now for the number of taxis we presently have in service, and to go beyond where we are there is the feeling the businesses that are presently here will be out of business. He stated Mr. Edwards is aware that the Taxi Board is studying the meter rate problem, which is the "heart" of a lot of the concerns that are being expressed. He stated in regard to the person having a prison record, Mr. Edwards is also aware that persons are screened by the Police Department before they are allowed to drive, let alone own a taxi. He stated he would hope that this would not look upon this as repulsive, but would hope it would not be thought that a person who has been in prison should not be employed; that if they are not employed, what are we setting ourselves up for?

CHARLES EDWARDS (CONTINUED)

Councilwoman Rutherford made reference to some persons from out-of-town who waited at Lovell Field 45 minutes for a taxi; that whatever cab companies service the airport did not show up; that another cab cruising through picked them up. She stated the out-of-towners rode to her neighborhood, dropped off her neighbor, and continued to the Marriott; that she finds this very inexcusable. She stated that she has never flown into a city where she had to wait. She stated as far as the criminal aspect is concerned, from a female point of view, she would be extremely uneasy to get in a taxi if she thought that a person had a rape conviction or even an accusation; that she thinks we should be concerned about what type of crime a person has committed.

Chairman Hakeem stated that matter has been brought before the Board; that he cannot verify as to a person having a rape conviction. He reiterated that persons are investigated by the Police Department and does not think they would bring a recommendation for someone they felt was a threat to the safety of citizens. He stated there has been scheduled previously a meeting before the appropriate Council committee regarding the Taxi Board; that an attempt will be made again to schedule another meeting for a briefing as to what is happening with the taxi industry.

ADJOURNMENT

Chairman Hakeem adjourned the meeting until Tuesday, August 15, 2000 at 6 p.m.

CHAIRMAN

CLERK OF COUNCIL

**(A LIST OF NAMES OF PERSONS IN ATTENDANCE IS FILED WITH
MINUTE MATERIAL OF THIS DATE)**